

Shelley Latin, OSB No. 032253
shelley.latin@lasoregon.org
Legal Aid Services of Oregon
P.O. Box 1327
Pendleton, OR 97801
Telephone: (541) 276-6685
Facsimile: (541) 276-4549

Laurie Hoefer, OSB No. 054234
laurie.hoefer@lasoregon.org
Legal Aid Services of Oregon
397 N. First Street
Woodburn, OR 97071
Telephone: 503-981-5291
Facsimile: 503-981-5292

Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CRISELDA ROMERO-MANZANO,

Civil No.

Plaintiff,

COMPLAINT

vs.

Employment Discrimination

CARLTON NURSERY COMPANY, LLC

Demand for Jury Trial

Defendant.

I. JURISDICTION

1. This Court has jurisdiction over actions brought under Title VII pursuant to 42 U.S.C. § 2000e-5(f)(3).

2. This Court additionally has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it arises under the laws of the United States and pursuant to 28 U.S.C. § 1343(a)(4) as it arises under an Act of Congress providing for the protection of civil rights.

3. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over plaintiff's state law claim, as it is so related to the claim within the Court's original jurisdiction that it forms part of the same case and controversy under Article III of the United States Constitution.

II. PARTIES

4. Plaintiff Criselda Romero-Manzano is a resident of Yamhill County, Oregon.

5. At all relevant times, defendant Carlton Nursery Company, LLC, was a limited liability company doing business in Yamhill County, Oregon.

6. At all relevant times, defendant employed at least 15 people and was engaged in an industry affecting commerce.

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. On or about December 30, 2013, plaintiff timely filed charges of discrimination with the Oregon Bureau of Labor and Industries (BOLI). Plaintiff simultaneously filed charges with the United States Equal Opportunity Employment Commission (EEOC) pursuant to a work sharing agreement between the two agencies.

8. On December 30, 2014, BOLI notified plaintiff of her right to file a private civil suit with regard to her claim under ORS 659A.030.

9. On March 25, 2015, EEOC notified plaintiff of her right to file a private civil suit with regard to her Title VII claim.

IV. FACTS

10. Defendant employed plaintiff in Yamhill County, Oregon, from approximately 2004 until December 2013.

11. Plaintiff's supervisor was Jose Carillo.

12. During her employment with defendant, Carillo harassed plaintiff by making unwelcome sexual advances, including sexual comments, invitations of a sexual nature, and unwanted sexual touching.

13. Plaintiff repeatedly rejected Carillo's sexual advances.

14. On or about April 10, 2013, plaintiff reported Carillo's sexual harassment to defendant's human resources department.

15. In response to plaintiff's report of sexual harassment defendant transferred plaintiff to work under a different supervisor.

16. Shortly after transferring plaintiff, defendant transferred her twice more to work under different supervisors.

17. Defendant did not effectively respond to plaintiff's report of sexual harassment.

18. On around December 5, 2013, defendant discharged plaintiff.

19. Defendant subjected plaintiff to a hostile work environment.

20. Plaintiff suffered economic loss, including but not limited to, lost wages and emotional distress, as a consequence of defendant's discrimination in violation of 42 U.S.C. §2000(e)-2 and ORS § 659A.030(1).

21. Unless the Court grants injunctive relief, plaintiff will continue to suffer injury as a result of defendant's violations of federal and state worker protection statutes because those

violations result in substandard employment conditions in the area and discourage plaintiff from seeking future employment with defendant.

V. CLAIMS FOR RELIEF

First Claim – Title VII Sex Discrimination, 42 U.S.C. § 2000e-2

22. Paragraphs 1-22 are incorporated by reference.

23. Defendant discriminated against plaintiff on the basis of sex by subjecting her to a hostile work environment in violation of 42 U.S.C. § 2000e-2.

Second Claim – Oregon Sex Discrimination, ORS 659A.030(1)(a)-(b)

24. Paragraphs 1-22 are incorporated by reference.

25. Defendant's actions constituted unlawful sex discrimination under ORS 659A.030(1)(a)-(b).

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests that this Court grant the following relief:

1. Award judgment in favor of plaintiff and against defendant for:

- a. Back pay, with prejudgment interest, from the date of her discharge to the date of judgment in this action, in amounts to be determined at trial;
- b. Future lost earnings;
- c. Compensatory damages in amounts to be proved at trial, including damages for past and future emotional distress, depression, loss of enjoyment of life, humiliation, anxiety, grief, and anguish;
- d. Punitive damages in an amount to be determined at trial;
- e. Reinstatement and injunctive relief to enjoin defendant from engaging in unlawful

activity described in this complaint;

f. Costs and reasonable attorney fees, pursuant to 42 U.S.C. § 2000e-5(k).

VII. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as allowed under FRCP 38.

Dated March 26, 2015.

LEGAL AID SERVICES OF OREGON

s/Shelley Latin

Shelley Latin, OSB No. 032253

E-mail: shelley.latin@lasoregon.org

Tel: 541-276-6685

Of Attorneys for Plaintiff